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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,049	11/02/2001	Charles F. Malone	KPF / 54	4375

26875 7590 04/08/2003

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CINCINNATI, OH 45202

EXAMINER

MELWANI, DINESH

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 04/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/002,049

Applicant(s)

MALONE ET AL.

Examiner

Dinesh N Melwani

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 19-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

Acknowledgement is made of applicant's submission of:

Amendment A, which cancelled claim 18 and added claims 19-23, filed on

01/29/03

The aforementioned item has been noted and officially inserted into the application.

#### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: Insufficient antecedent basis for "the oven door" and "the oven". Appropriate correction is required.
2. Claim 7 is objected to because of the following informalities: Insufficient antecedent basis for "the oven door". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-17 and 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Siegel (U.S. Patent No. 3,540,767). Siegel discloses an oven door locking mechanism as claimed; wherein said mechanism lock and unlocks the door at substantially different temperatures. Siegel discloses the thermal element (46) locks "the latching device at a temperature above 675°F" and allows the door to be opened (i.e., unlocks the door) at "about 550°F". The Examiner asserts that aforementioned substantially differing temperatures are determined solely by the thermal element (46) which is part of the oven door locking mechanism; independently of the

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manner in which the oven is heated or cooled. For the purposes of clarification, the Examiner notes that Siegel's locking assembly is controlled by the thermally responsive element; wherein said thermally responsive element 'senses' the temperature of the oven regardless of the "manner in which the oven is heated or cooled." In regards to claims 4-6 and 21-23, Siegel also discloses a clutch mechanism (Fig. 4 and col. 3, lines 60-75), wherein a "clutch" is defined by the *Merriam-Webster's Collegiate Dictionary* 10<sup>th</sup> Edition as a coupling used to connect and disconnect a driving and driven part of a mechanism. Furthermore, Siegel's clutch mechanism includes a thermally responsive element (46), a clutch (A in Fig. 4), and a lock member (generally 52), wherein said clutch has a first side and a second side, wherein said first side is engaged with said second side, see Fig. 4. As it concerns claim 7, Siegel discloses a clutch mechanism (Fig. 4), wherein said clutch mechanism comprises a thermally responsive element (46), a clutch (52), and a lock member (50); and a first spring (64) in contact with said lock member via pin (62), wherein said lock member defines a first side of said clutch as a keyed aperture (Z), said keyed apertures is engaged via clutch (52) with said thermally responsive element, whereby the oven door locking mechanism locks and unlocks the oven door at substantially different temperatures. In regards to claim 8, Siegel's keyed aperture (Z) comprises an annular recess. For the purposes of clarification, the *Merriam-Webster's Collegiate Dictionary* 10<sup>th</sup> Edition defines annular as "of, relating to, or forming a ring. Regarding claim 9, Siegel's lock member (50) has a first end (F) and a second end (S), said first end defines said keyed aperture (60), see Fig. 4. As it concerns claim 10. Siegel's thermally responsive element defines a second side of said clutch as a slot (W), said slot in engagement with said keyed aperture. In regards to claim 11, the *Merriam-Webster's Collegiate Dictionary* 10<sup>th</sup> Edition

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defines encompass as to “include”, and as shown in Fig. 4, Siegel’s first spring includes lock member (50) via pin (62). In regards to claim 12, Siegel’s slot (W) is elongated, see Fig. 4. As it concerns claim 13, Siegel’s oven door locking mechanism further comprises a latch mechanism defining a lock hole (generally H in Fig. 3) adapted to receive said lock member, see Fig. 3; and a mounting bracket (10) wherein said first spring is affixed to said mounting bracket via pin (62). In regards to claim 14, Siegel’s thermally responsive element is a bimetallic leaf secured at a first end (48) and defining said slot at a second end; see col. 3, lines 54-55. Regarding claim 15, Siegel’s lock hole comprises a receiver member (R), see Fig. 3. As it concerns claim 16, Siegel’s receiver member is a bushing. For the purposes of clarification, the *Merriam-Webster’s Collegiate Dictionary* 10<sup>th</sup> Edition defines bushing as “a mechanical part used to... serve as a guide”. Claim 17 is rejected as set forth above. In regards to claim 19, Siegel discloses an oven door locking mechanism which locks the oven door at a temperature substantially higher than that at which it unlocks the oven door as set forth above. The Examiner notes that Siegel’s oven inherently has a substantially uniform temperature between the oven air and the oven door locking mechanism and since the applicant has not claimed any structure the further limit the oven door locking mechanism, the recitation has not been given any patentable weight. In regards to claim 20, Siegel comprises a thermally responsive element (46) capable of actuating locked and unlocked states of the oven door at different temperatures as set forth above.

#### ***Response to Arguments***

4. Applicant's arguments filed on 01/29/ have been considered but are not found to be persuasive.

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5. The Examiner notes that Siegel and Fox were provided with annotations to accurately communicate to the applicant the specific structures the Examiner was referring to in the rejections. For the applicant's benefit, the Examiner has attached the appropriate figures to this Office Action.

6. In response to the applicant's arguments that the Siegel reference fails to disclose an oven door locking mechanism which locks and unlocks the oven door at substantially different temperatures which are determined by the mechanism independently of the manner in which the oven is heated or cooled, the Examiner asserts that Siegel's locking and unlocking functions are controlled by a thermally responsive bimetallic leaf which 'senses' the oven temperature independently of the manner in which the oven is heated or cooled. For the purposes of clarification, it is the physical structure of the thermally responsive element (46) which determines the substantially different lock and unlock temperatures of the oven door, and not the manner of heating or cooling the oven door (i.e., the heating elements). Therefore, the Examiner asserts Siegel discloses an oven locking mechanism within the meaning of the applicant's claims.

7. Applicant's arguments with respect to claims 1-17 over Fox have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinesh N Melwani whose telephone number is 703-305-4546. The examiner can normally be reached on M-F, 8:30-6 except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4115.

DNM  
April 4, 2003

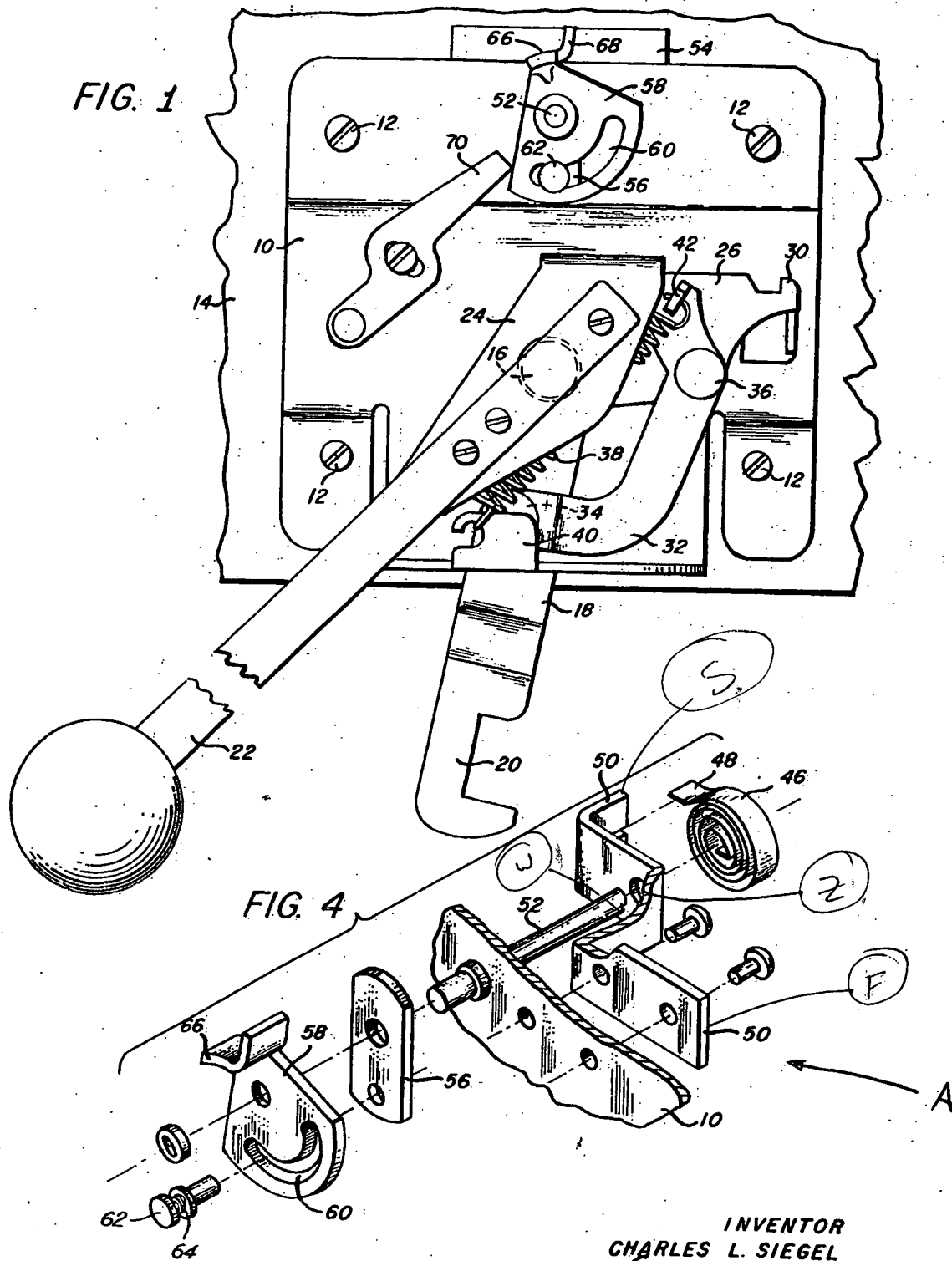
  
ROBERT J. SANDY  
PRIMARY EXAMINER

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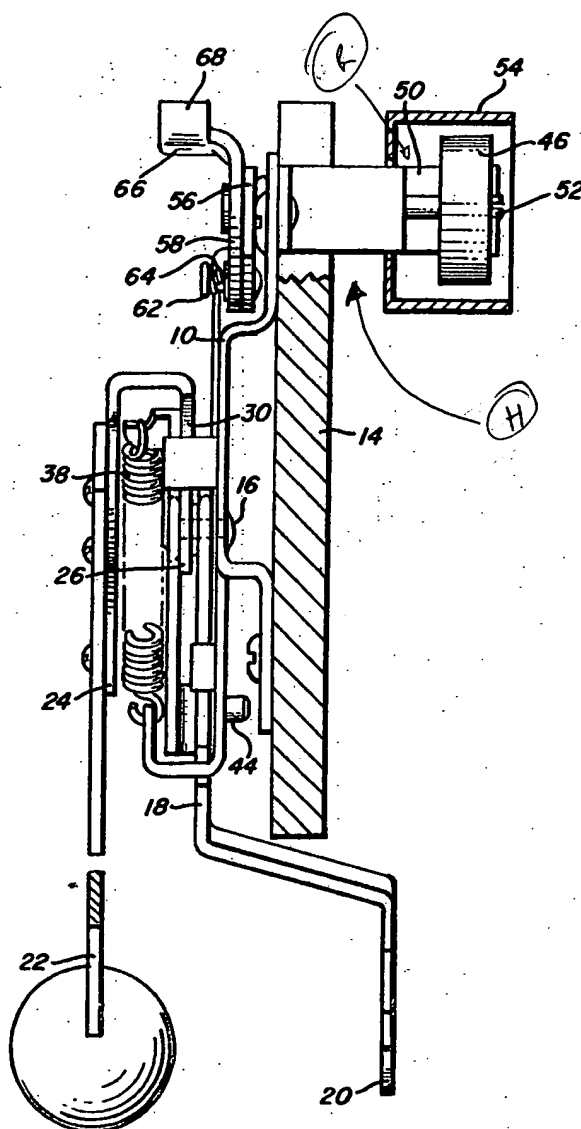
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FIG. 3



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